

FILED

MAY 13 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-08-70235 MAG
)	
v.)	<u>PROPOSED ORDER AND</u>
)	<u>STIPULATION REQUESTING</u>
)	<u>EXTENSION</u>
GREGORY ALLEN WEISS,)	
)	
Defendant.)	

With the agreement of the parties and with the consent of the defendant, Gregory Allen Weiss, the Court enters this order vacating the preliminary hearing date of May 14, 2008 and setting a new preliminary hearing date for May 28, 2008, at 9:30 a.m. before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and extending the time period for indictment and excluding time under the Speedy Trial Act until May 28, 2008. Based on the Declaration of W.S. Wilson Leung, IT IS HEREBY FOUND THAT:

1. Gregory Allen Weiss was charged in a complaint dated April 17, 2008 with conspiracy to distribute and to possess with the intent to distribute 1,000 and more individual marijuana plants, as well as distributing and possessing with the intent to distribute 1,000 and more individual marijuana plants, in violation of 21 U.S.C. §§ 812, 841(a)(1) and (b)(1)(A), and

1 846, and 18 U.S.C. § 2. Weiss was arrested on April 23, 2008, and released on a personal
2 recognizance bond on April 25, 2008. Chief Magistrate Judge James Larson on April 25, 2008
3 set May 14, 2008 as the preliminary hearing date.

4 2. Since Weiss's arrest, the Government and Ann C. Moorman, Esq., counsel for
5 Weiss, have been engaged in discussions concerning this matter, including whether and if a pre-
6 charge disposition would be either possible or appropriate. The parties seek to continue these
7 discussions and require additional time to pursue them. The defendant has consented to
8 extending the preliminary hearing date and excluding time under the Speedy Trial Act in order to
9 continue these discussions with the Government.

10 3. Taking into the account the public interest in the prompt disposition of criminal
11 cases, these grounds are good cause for extending the time limits for a preliminary hearing under
12 Federal Rule of Criminal Procedure 5.1 and for extending the time period for indictment and
13 excluding time under the Speedy Trial Act. The ends of justice served by excluding the period
14 until May 28, 2008 outweigh the best interest of the public and the defendant in a speedy trial.
15 18 U.S.C. § 3161(h)(8)(A).

16 ACCORDINGLY, IT IS HEREBY ORDERED THAT:

17 1. The May 14, 2008 preliminary hearing date for Weiss is vacated, and a new
18 preliminary hearing is now set before the duty magistrate judge on May 28, 2008, at 9:30 a.m.

19 2. The period from May 14, 2008 to May 28, 2008 is excluded from the time period
20 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial
21 Act calculations under 18 U.S.C. § 3161(h)(8)(A).

22 IT IS SO ORDERED.

23
24 DATED: 5/13/08


25 HONORABLE EDWARD M. CHEN
26 UNITED STATES MAGISTRATE JUDGE
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